

Figure 6 indicates that conditions employed for synthesizing compounds 12b and 12c, i.e., conditions (a) and (c), are identical to the conditions employed for synthesizing the elected species, i.e., compound 12a. The only difference with respect to these three processes is the starting material and, in each case, the starting material is an *ortho*-haloaniline. Accordingly, the processes for synthesizing compounds 12b and 12c are patentably indistinct with over the process for synthesizing compound 12a.

Figure 6 further illustrates that the synthesis of compounds 12d-12e differ from the process for synthesizing compound 12a only in that condition (c) is replaced by condition (d). However, the Description of Figures (specification, page 4, lines 19-25) indicates that condition (d) differs from condition (c) merely by the use of different solvents (toluene instead of benzene) and temperature (90°C instead of 60-75°C). The basis reaction mechanism remains the same. Accordingly, the processes for synthesizing compounds 12d and 12e are patentably indistinct over the process for synthesizing compound 12a.

Figure 6 further illustrates that the synthesis of compounds 12f-12g differ from the process for synthesizing compound 12a only in that condition (a) is replaced by condition (b). However, the Description of Figures (specification, page 4, lines 19-25) indicates that condition (b) differs from condition (a) merely by an addition of a catalyst ($n\text{Bu}_4\text{NI}$) for activating the 1,3-dichloropropene. The basis reaction mechanism remains the same. Accordingly, the processes for synthesizing compounds 12f and 12g are patentably indistinct over the process for synthesizing compound 12a.

Summary:

Applicant has elected the species for synthesizing compound 12a, as covered by new claim 32. The election was made with traversal.

Applicant would request that Claim 32 be examined initially. If Claim 32 is found to be patentable, Applicant would then request that the entire genus represented by Claim 1 and Claims 19-31 be examined.

Respectfully submitted,

March 3, 2003

Date

DLCDs 2

Donald G. Lewis, Reg. No. 28,636

THE SCRIPPS RESEARCH INSTITUTE

Office of Patent Counsel

10550 North Torrey Pines Road

Mail Drop: TPC-8

La Jolla, California 92037

March 3, 2003

(858) 784-2937